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ENVIRONMENTAL LAW

VOLUME 2

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AUTHORS CITED

Adams, *Wampler v. Dept. of State Police: Opportunity, Not Disaster*, 41 Or. L. Rev. 118 (1962) 338

Adams & Edwards, *Persistent Pesticides in the Environment*, 1 Critical Reviews in Environmental Control 49 (1970) 75

Atomic Energy Comm., Nuclear Safety 394

Atomic Energy Comm., Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants (1957) 64, 66, 399

Baldwin, Maloney & Plager, *Water Pollution—Attempts to Decontaminate Florida Law*, 20 U. Fla. L. Rev. 131 (1967) 193, 194

Benarde, Our Precarious Habitat (1970) 1

Berlin, Roisman & Kessler, *Law in Action: The Trust Doctrine*, Law And Environment 169 (1970) 3

Bertelsman, *The Ninth Amendment and Due Process of Law—Toward a Viable Theory of Unenumerated Rights*, 37 Cinn. L. Rev. 777 (1968) 23, 26, 30

Bickel, The Least Dangerous Branch (1962) 17

Black & Chan, *Justice Black and First Amendment "Absolutes": A Public Interview*, 37 N.Y.U.L. Rev. 549 (1962) 17

Blackstone, 1 Commentaries 21, 34, 38

Bloom & Degler, Pesticides and Pollution (1969) 75

Bonner, *Atomic Q and A*, P.G. & E. Life, July-August 1970 62

Borchard, Declaratory Judgments (1941) 331

Bork, *The Supreme Court Needs a New Philosophy*, Fortune, Dec. 1968, 140.. 17

Bork, Krane & Webster, Political Activities of Colleges and Universities, Some Policy and Legal Implications (1970) 176

Brant, *Edmund Cahn and American Constitutional History*, 40 N.Y.U.L. Rev. 218 (1965) 19

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Brant, The Bill of Rights (1965) 16, 23

Carson, Silent Spring (1962) 75

Clark, Code Pleading (2d ed. 1947) 148

Clark, *The Federal Rules of Civil Procedure: 1938-1958*, 58 Colum. L. Rev. 435 (1958) 152

Cleaver, Soul on Ice (1968) 225

Commoner, *The Ecological Facts of Life*, The Ecological Conscience: Values for Survival (Disch ed. 1970) 1

Commoner, *Present Benefits and Future Risks*, 4 Env. Sci. & Tech. 625 (1970) 386

Comptroller-General of the United States, Progess and Problems for Managing High-Level Radioactive Wastes (1971) 390, 391, 393, 394

Cragg, *The Quality of Man's Environment*, Man And His Environment (Ward ed. 1970) 1

Cummings, *Modernizing Federal Procedure*, 24 A.B.A.J. 625 (1938) 152

Davis, Administrative Law Treatise (1958) 336

DEGLER & BLOOM, PESTICIDES AND POLLUTION (1969) 75

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, THE ROLE OF PACKAGING IN SOLID WASTE MANAGEMENT, 1966-1976 (1969) 200

Dixon, *The Griswold Penumbra: Constitutional Charter for an Expanded Law of Privacy?* 64 MICH. L. REV. 197 (1965).. 17

Douglas, *The Bill of Rights is Not Enough*, THE GREAT RIGHTS (Cahn ed. 1963)....28, 40

Douglas, *The Conservation of Man*, 19 J. PUB. L. 3 (1970) 40

Edwards & Adams, *Persistent Pesticides in the Environment*, 1 CRITICAL REVIEWS IN ENVIRONMENTAL CONTROL 49 (1970) 75

ELLIOTT, DEBATES ON THE FEDERAL CONSTITUTION (1836) 7, 8

Emerson, *Nine Justices in Search of a Doctrine*, 64 MICH. L. REV. 219 (1965) 25

ENERGY POLICY STAFF, OFFICE OF SCIENCE AND TECHNOLOGY, EXECUTIVE OFFICE OF THE PRESIDENT, ELECTRIC POWER AND THE ENVIRONMENT (1920) 408

Erwine, *Atomic Age Trash*, The Wall Street Journal, Jan. 23, 1971 395

EUROPEAN NUCLEAR ENERGY AGENCY, AND INT'L. ENERGY AGENCY, URANIUM PRODUCTION AND SHORT TERM DEMAND (1969) 402

Evans, *Man-Made Earthquakes in Denver*, GEOTIMES (1966) 392

Fairman, *Does The Fourteenth Amendment Incorporate The Bill of Rights?*, 2 STAN. L. REV. 5 (1949) 35

Fandell, *Rail Wrecks — Railroad Accidents Soar to Nearly 100 a Day*, The Wall Street Journal, June 26, 1969 389

FARRAND, FRAMING OF THE CONSTITUTION (1913) 363

FEDERAL RADIATION COUNCIL, STAFF REPORT NO. 1 ON BACKGROUND MATERIAL FOR THE DEVELOPMENT OF RADIATION PROTECTION STANDARDS (1960) 60

FERRIS, THE LAW OF EXTRAORDINARY LEGAL REMEDIES (1926) 327, 329

Forbes, *Nuclear Reactor Safety—An Evaluation of New Evidence*, THE UNION OF CONCERNED SCIENTISTS, July, 1971 ..... 395, 396, 397

Franklin, *Concerning the Influence of Roman Law on the Formulation of the Constitution of the United States*, 38 TUL. L. REV. 621 (1964) 19

Franklin, *The Ninth Amendment as Civil Law Method and its Implications for Republican Form of Government: Griswold v. Connecticut; South Carolina v. Katzenbach*, 40 TUL. L. REV. 487 (1960) 19, 38

Fanklin, *Infamy and Constitutional Civil Liberties*, 14 LAWYERS GUILD REV. 1 (1954) 19

Franklin, *Interposition Interposed: II*, 21 LAW IN TRANS. 77 (1961) 19

Franklin, *The Relation of the Fifth, Ninth and Fourteenth Amendments to the Third Constitution*, 4 HOWARD L.J. 170 (1958) 19

Frantz, *The First Amendment in the Balance*, 71 YALE L.J. 1424 (1962) 17

Frantz, *Is the First Amendment Law?—A Reply to Professor Mendelson*, 51 CALIF. L. REV. 729 (1963)..... 17

George, *Legal, Medical and Psychiatric Considerations in the Control of Prostitution*, 60 MICH. L. REV. 717 (1962) 220

Gofman, *Medical Effects of Radiation*, MODERN NUCLEAR TECHNOLOGY (Mills, Biehl, Mainhardt ed 1960) 62

Gofman, Gofman, Tamplin & Kovich, *Radiation as an Environmental Hazard*, PROCEEDINGS OF THE 24TH ANNUAL SYMPOSIUM ON FUNDAMENTAL CANCER RESEARCH, ENVIRONMENT AND CANCER (in press) 58

Gofman, & Tamplin, *Low Dose Radiation and Cancer*, 17 THE INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS, INC. TRANSACTIONS ON NUCLEAR SCIENCE 1 (1970) 58, 70

Gofman & Tamplin, *Nuclear Energy and the Public Health*, NEVADA ENGINEER, Oct. 1970 59

GOFMAN & TAMPLIN, POISONED POWER: THE CASE AGAINST NUCLEAR POWER PLANTS (1971) 61, 64, 65, 66, 68, 69

GOFMAN & TAMPLIN, "POPULATION CONTROL" THROUGH NUCLEAR POLLUTION (1970) 58

Gofman & Tamplin, *Radiation: The Invisible Casualties*, 12 ENVIRONMENT, April 1970 61

Gold, *A Death on the East Side*, ESQUIRE, May 1967, 140 119

Green, *The Risk-Benefit Calculus in Nuclear Power Licensing*, SYMPOSIUM ON NUCLEAR POWER AND THE PUBLIC (1970) 69

Greenberg, *The Ivory Tower is Under Siege*, AUDUBON, March 1971, 118 199

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Ibsen, *Notations of a Modern Tragedy*, LIFE OF IBSEN (Koht transl. ed. 1971) 229

Inglis, *Nuclear Energy and the Malthusian Dilemma*, 27 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 2, 14 (1971) 65

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JOINT COMM. ON ATOMIC ENERGY, SELECTED MATERIALS ON ENVIRONMENTAL EFFECTS OF PRODUCING ELECTRIC POWER (Comm. print 1969) 390

JOINT COMM. ON ATOMIC ENERGY, SELECTED MATERIALS ON RADIATION PROTECTION CRITERIA AND STANDARDS: THEIR BASIS AND USE (Comm. print 1960) 384, 385, 386

Jordan, *Nuclear Energy: Benefits vs. Risks*, 23 PHYSICS TODAY No. 5, 32 (May 1970) 63, 65, 66

Kadish, *Methodolgy and Criteria in Due Process Adjudication — A Survey and Criticism*, 66 YALE L.J. 319 (1957) 26

KANOWITZ, WOMEN AND THE LAW: THE UNFINISHED REVOLUTION (1968) 224, 225, 226, 227

Kauper, *Penumbras, Peripheries, Emanations, Things Fundamental and Things Forgotten: The Griswold Case*, 64 MICH. L. REV. 235 (1965) 20

Kelly, *Clio and the Court: An Illicit Love Affair*, 1965 SUP. CT. REV. 119 (1965) 33

Kelsey, *The Ninth Amendment of The Federal Constitution*, 11 IND. L.J. 309 (1936) 5, 14, 21

Kent, *Under the Ninth Amendment What Rights are the "Others Retained by the People"?*, 29 FED. B.J. 219 (1970) 22

Kessler, Berlin & Roisman, *Law in Action: The Trust Doctrine*, LAW AND THE ENVIRONMENT 109 (1970) 3

Kirven, *Under the Ninth Amendment, What Rights are the "Others Retained by the People"?*, 14 S. DAK. L. REV. 80 (1969) 16

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Kurland, *Magna Carta and Constitutionalism in the United States: "The Noble Lie"*, THE GREAT CHARTER 58 (1965) 6

Kutner, *The Neglected Ninth Amendment: The "Other Rights" Retained by the People*, 31 MARQ. L. REV. 121 (1968) .. 22

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Lapp, *The Nuclear Power Controversy*, NEW REPUBLIC, Jan. 23, 1971, at 18 .... 395, 396

Lawrence & Peterson, *The Challenge of Environmental Quality: An Outline of Remedies to Meet It*, 1 ENV. L. 72 (1970) .. 324

Linde, *The Wampler Disaster — A Reply*, 41 OR. L. REV. 177 (1962) 338

Linde, *Public Law — 1960 Oregon Survey*, 40 OR. L. REV. 249 (1961) 338

LOCKE, TWO TREATISES OF GOVERNMENT (Laslett ed. 1967) 5, 32, 33

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Lusk & Rollins, *Shipping Containers for Irradiated Reactor Fuels*, BATTELLE TECHNICAL REV. Aug. 1968, at 9 388

Lynch & Stevens, *Environmental Law—The Uncertain Trumpet*, 5 U. SAN FRAN. L. REV. 10 (1970) 2

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Maloney, Plager & Baldwin, *Water Pollution—Attempts to Decontaminate Florida Law*, 20 U. FLA. L. REV. 131 (1967) 193, 194

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McKay, *The Preference for Freedom*, 34 N.Y.U.L. REV. 1182 (1959) 40

McKay, *The Right of Privacy: Emanations and Intimations*, 64 MICH. L. REV. 259 (1965) 28

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Meisenholder, *Piecemeal Adoption of the Federal Rules of Civil Procedure in Washington*, 26 F.R.D. 123 (1961) 152

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Mendelson, *The First Amendment and the Judicial Process: A Reply to Mr. Frantz*, 17 VAND. L. REV. 479 (1964) 17

Mendelson, *On the Meaning of the First Amendment: Absolutes in the Balance*, 50 CALIF. L. REV. 821 (1962) 17

Merriman, *The Calefaction Of A River*, 222 SCIENTIFIC AMERICAN, May 1970, at 42 406

MILLER & WRIGHT, FEDERAL PRACTICE AND PROCEDURE (1970) 146, 152

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NATIONAL ACADEMY OF SCIENCE, REP. TO THE COMM. ON NATURAL RESOURCES, ENERGY RESOURCES (1962) 401

NATIONAL RESEARCH COUNCIL, A NATIONAL STUDY OF ROADSIDE LITTER (1961) 198, 199, 200, 205, 207

Odum, *The Strategy of Ecosystem Development*, THE CRISIS OF SURVIVAL (1970) 1

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Parker, *Improving the Administration of Justice*, 27 A.B.A.J. 71 (1941) 146

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Pauling, *Genetic and Somatic Effects of High-Energy Radiation*, 26 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 7, at 3 (1970) 61, 62, 387

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Peterson & Lawrence, *The Challenge of Environmental Quality: An Outline of Remedies to Meet It*, 1 ENV. L. 72 (1970) 324

Plager, Baldwin & Maloney, *Water Pollution—Attempts to Decontaminate Florida Law*, 20 U. FLA. L. REV. 131, 132 (1967) 193, 194

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POMEROY, CODE REMEDIES (5th ed. 1929) 147
Potter, *Everyone Wants to Save the Environment But No One Knows Quite What to Do*, THE CENTER MAGAZINE, March 1970, at 35 5
PROSSER, LAW OF TORTS (4th ed. 1964) .. 333
Pyle, *Water and Watercourses: Water Pollution Laws and Their Enforcement in Oklahoma*, 22 OKLA. L. REV. 317 (1969) .. 192
Radlich, *Are There "Certain Rights . . . Retained By The People"?*, 37 N.Y.U.L. REV. 787 (1962) 19
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Ritz, *The Original Purpose and Present Utility of the Ninth Amendment*, 25 WASH. & LEE L. REV. 1 (1968) 12, 16
Roberts, *The Right to a Decent Environment; E=MC²: Environment Equals Man Times Courts Redoubling Their Efforts*, 35 CORNELL L. REV. 674 (1970) 23, 24, 35
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Rogge, *Unenumerated Rights*, 47 CALIF. L. REV. 787 (1959) 22
Roisman, Berlin & Kessler, *Law in Action: The Trust Doctrine*, LAW AND THE ENVIRONMENT 169 (1970) 3
Rollins & Lusk, *Shipping Containers for Irradiated Reactor Fuels*, BATTELLE TECHNICAL REV., Aug. 1968 388
ROSSITER, 1787: THE GRAND CONVENTION (1966) 5, 6
RUMPF, WATER, WATER EVERYWHERE AND MAN WITHOUT A DRINK (1969) 1
RUTLAND, THE ORDEAL OF THE CONSTITUTION (1966) 7
SAX, DEFENDING THE ENVIRONMENT, A STRATEGY FOR CITIZEN ACTION (1971) 26, 27, 315
Sax, *The Public Trust Doctrine in Natural Resources Law: Effective Judicial Intervention*, 68 MICH. L. REV. 471 (1970) 3
Scharpf, *Judicial Review and the Political Question: A Functional Analysis*, 75 YALE L.J. 517 (1966) 39
SCHNEIDER, REPORT ON STATUS OF TECHNOLOGY IN THE U.S. FOR SOLIDIFICATION DEMONSTRATION PROGRAM (1969) 391
SCHROEDER, MALIK & MATHISEN, OBSERVATIONS ON THE ECOLOGY OF THE ESTUARY OF NAKNEK RIVER, BRISTOL BAY, ALASKA (1971) 123, 126, 130, 131, 139, 140, 141
SEAR & ZERMANSKY, UNIVERSITY PHYSICS (1949) 209
Sive, *The Environment, Is It Protected By The Bill of Rights?* CIVIL LIBERTIES, April 1970, at 6 36
Sive, *Some Thoughts of an Environmental Lawyer in the Wilderness of Administrative Law*, 70 COLUM. L. REV. 612 (1970) 36
Speck, *The Public Trust Doctrine in Oregon*, ADVISORY COMM. TO THE STAFF LAND BOARD (1969-1970) 324
Staines, *Waste Discharge Permits: No Defense to Water Pollution Actions*, 2 ENV. L. 181 (1971) 195
Stevens & Lynch, *Environmental Law—The Uncertain Trumpet*, 5 U. SAN FRAN. L. REV. 10 (1970) 2
Swengel, *A New Era of Power Supply Economics*, POWER ENGINEERING, Mar. 1970 at 30 380
Tamplin, *The Regulation of Man-Made Radition in the Biosphere*, NUCLEAR POWER AND THE REPUBLIC (H. Foreman ed. 1971) 60
Tamplin & Gofman, *Low Dose Radiation and Cancer*, 17 THE INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS, INC. TRANSACTIONS ON NUCLEAR SCIENCE 1 (1970) 58, 70
Tamplin & Gofman, *Nuclear Energy and the Public Health*, NEVADA ENGINEER, October 1970 59
TAMPLIN & GOFMAN, POISONED POWER: THE CASE AGAINST NUCLEAR POWER PLANTS (1971) 61, 64, 65, 66, 68, 69
TAMPLIN & GOFMAN, "POPULATION CONTROL" THROUGH NUCLEAR POLLUTION (1970) 58
Tamplin & Gofman, *Radiation: The Invisible Casualties*, 12 ENVIRONMENT, April 1970 61
Tamplin, Gofman, Gofman & Kovich, *Radiation as an Environmental Hazard*, PROCEEDINGS OF THE 24TH ANNUAL SYMPOSIUM ON FUNDAMENTAL CANCER RESEARCH, ENVIRONMENT AND CANCER (in press) 58
TAYLOR, DUE PROCESS OF LAW, (1917) 21, 33
Teller, *Fast Reactors — Maybe*, NUCLEAR NEWS, Aug. 1967, at 21 405
Tsivoglov, *Nuclear Power—the Social Conflict*, 5 ENV. SCI. & TECH. 404 (1971) .. 388
Turnbull, *Are Americans Receiving Full Benefit from Wilderness?*, TRENDS, Jan/Mar 1972, at 27 373
Udall, *The Ivory Tower is Under Seige*, AUDUBON, March 1971, at 118 199
U.S. DEP'T OF LABOR, WOMEN'S BUREAU PAMPHLET ON ABORTION LAWS (1970) 227
VAN CAMPEN, OVERALL ECONOMIC DEVELOPMENT PROGRAM, BRISTOL BAY BOROUGH (1971) 119
Van Loan, *Natural Rights and the Ninth Amendment*, 48 B.U.L. REV. 1 (1968) 3, 5, 17, 18, 30
Wagner, *The Original and Exclusive Jurisdiction of The United States Supreme Court*, 2 ST. LOUIS U.L.J. 111 (1952) 365
WARREN, ALL THE KING'S MEN .. (1946) 16
WATER QUALITY OFFICE, NORTHWEST REGION, EPA, COLUMBIA RIVER THERMAL EFFECTS STUDY (1971) 406
WEBSTER, BORK & KRANE, POLITICAL ACTIVITIES OF COLLEGES AND UNIVERSITIES, SOME POLICY AND LEGAL IMPLICATIONS (1970) 176
Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 HARV. L. REV. 1 (1959) 17
WECHSLER & HART, THE FEDERAL COURTS AND THE FEDERAL SYSTEM (1953) 363
WEMGERT, NATURAL RESOURCES AND THE POLITICAL STRUGGLE (1955) 2
WHITE, OFFICE OF COAL RESEARCH REP.. REVIEW AND EVALUATION OF PROJECT FUEL CELL, (Westinghouse Project) No. PB 175, 765 (1968) 409

Willner, *Who Has Standing in Oregon to Defend the Environment?*, 1 Env. L. 44 (1970) 324, 327, 344

Wofford, *The Blinding Light: The Uses of History in Constitutional Interpretation*, 31 U. Chi. L. Rev. 502 (1964) 30

Wood, Clearcut: The Deforestation of America (1971) 374

Wright, American Interpretations of Natural Law (1931) 6

Wright, Law of the Federal Courts (2d ed. 1970) 359, 363, 365

Wright, *Procedural Reform In The States*, 24 F.R.D. 85 (1960) 146

Wright & Miller, Federal Practice and Procedure (1970) 152, 146

Zermansky & Sear, University Physics (1949) 209

TITLES CITED

Administrative Law Treatise, Davis (1958) 336

Advances In Environmental Sciences, (Pitts and Metcalf ed. 1969) 2

AEC, Nuclear Power and the Environment, at 23 (1969) 63

The Alice-In-Wonderland World of Standing, Rogers, 1 Env. L. 169 (1971) 314

All The Kings Men, 145, Warren (1940) 16

Am. Hist. Rev., Vol. 3, 315 (1898) 7

American Interpretations of Natural Law, B. Wright, 112-114 (1931) 6

Annals of Congress, Vol. 1, 440-68 (Gales and Seaton ed. 1834) 8, 9, 10, 11

Annual Report For 1971, U.S. Office of Coal Research, (1971) 409

The Antifederalist, 256, Main (1961) 8

Are Americans Receiving Full Benefit from Wilderness?, Turnbull, Trends, Jan/Mar 1972, at 27 373

Are There "Certain Rights Retained By the People", Redlich, 37 N.Y.U.L. Rev. 787 (1962) 19

Arrest: The Decision to Take a Suspect into Custody, W. LaFave, 451 (1965) 220

Atomic Age Trash, Erwine, The Wall Street Journal, Jan. 23, 1971, at 1, Col. 6 395

Atomic Q and A, Bonner, P.G. and E. Life, July-August, 1970, at 15-17 62

Battelle Memorial Institute, Pacific Northwest Laboratory, Report On Status Of Technology In The U.S. For Solidification Demonstration Program, Schneider, BNWC-1083 (1969) 391

Bible, Ecclesiastes 3:19 1

Bible, Exodus 15:23 1

Bible, Genesis 1:28 1

The Bill of Rights, I. Brant, 3-15 (1965) 16, 23

The Bill of Rights, L. Hand, 73 (1958) 15

The Bill of Rights is Not Enough, Douglas, The Great Rights 115 (Cahn ed. 1963) 28, 40

The Blinding Light: The Uses of History in Constitutional Interpretation, Wofford, 31 U. Chi. L. Rev. 502 (1964) 30

Burke's Speech on Conciliation with America, 23 (Lamont ed. 1902) 21

The Calefaction of a River, Merriman, 222 Scientific American 42, (May 1970) 406

The Challenge of Environmental Quality: An Outline of Remedies to Meet It, Peterson and Lawrence, 1 Env. L. 72 (1970) 324

Change, Hope and the Bomb, Lilienthal, Lecture at Princeton University Stafford Little Lectures, Feb. 13, 1968 381

Clearcut: The Deforestation of America, Wood, (1971) 374

Clio and the Court: An Illicit Love Affair, Kelly, 1965 Sup. Ct. Rev. 119 33

Code, Pleading, Clark (2d ed. 1947) 148

Code Remedies, Pomeroy (5th ed. 1929) 147

Columbia River Thermal Effects Study, Water Quality Office, Northwest Region, EPA, 70-72 (1971) 406

Commentaries, Vol. 1, Blackstone 21

Comptroller-General of the United States Rep. B-164052, Progress and Problems for Managing High-Level Radio-Active Wastes (1971) 390, 393, 394

Concerning the Influence of Roman Law on the Formulation of the Constitution of the United States, Franklin, 30 Tul. L. Rev. 621 (1964) 19

The Conservation of Man, Douglas, 19 J. Pub. L. 3 (1970) 40

A Cooling Threat to Nuclear Power, Bus. Week, Jan. 3, 1971, at 46 397

The Cost-Internalization Case for Class Action, 21 Stan. L. Rev. 383, 383-84 (1969) 3

Crisis in Oregon Estuaries, Oregon State University, Marine Advisory Program (1970) 83, 85

The Dangerous Sex, H. Hayes, 137, 158 (1964) 219, 225, 226

A Death on the East Side, Gold, 75 Esquire 140 (May, 1967) 119

Debates On The Federal Constitution, Vol. 1, J. Elliot (1836) 7, 8

A Decent Home, Report Of The President's Commission On Urban Housing (1968) 368

Declaration of Independence, July 4, 1776 6

Declaratory Judgments, Borchard, Vol. 1 at 53 (1941) 331, 332

Defending The Environment, A Strategy For Citizen Action, Sax (1971) 26, 27

Defending The Environment, Sax, 248 (1970) 315

Design With Nature, McHarg, (1969) 86, 102

Documents of Fundamental Human Rights, Vol. 1, 203-45 (Chafee ed. 1963) 21

Does the Fourteenth Amendment Incorporate the Bill of Rights?, Fairman, 2 Stan. L. Rev. 5 (1949) 35

Due Process of Law, Mott, R., 30-45 (1926) 20, 21

Due Process of Law, Taylor (1917) 21, 33

The Ecological Facts of Life, Commoner, in The Ecological Conscience 2 (Disch ed. 1970) 1, 2

Edmund Cahn and American Constitutional History, Brant, 40 N.Y.U.L. Rev. 218 (1965) 19

Electric Power and the Environment, Energy Policy Staff, Office of Science and Technology, Executive Office of the President, 48 (1970) 408

Emergency Core—Cooling System for Light — Water — Cooled Power Reactors, 24 Nuclear Safety Information Center (October 1968) 68

Energy Resources, Rep. to the Comm. on Natural Resources, National Academy of Science, Natural Resources Council, No. 1000-D (1962) 401

The Environment, Is It Protected By The Bill of Rights?, Sive, Civil Liberties, April 1970 at 6 36

Environmental Law—The Uncertain Trumpet, Lynch and Stevens, 3 U. San Francisco L. Rev. 10, 13 (1970) 2

European Nuclear Energy Agency and Int'l Energy Agency Joint Rep., Uranium Production and Short Term Demand (1969) 402

Everyone Wants to Save the Environment But No One Knows Quite What to Do, Potter, The Center Magazine, March 1970, at 35 5

Extraordinary Legal Remedies, High, §618 at 485 (1884) 329, 330

Facts Yearbook 6 (1970) Institute of Scrap Iron & Steel, Inc. 106, 107, 108

Fast Reactors — Maybe, Teller, Nuclear News, Aug. 1967, at 21 405

The Federal Courts and the Federal System, Hart & Wechsler (1953) 363

Federal Practice and Procedure, Wright and Miller, 66 (1970) 152, 146

Federal Radiation Council, Staff Report No. 1 on Background Material For The Development Of Radiation Protection Standards pt. V, at 26-30 (1960) 60

Federal Rules of Appellate Procedure, (Foundation Press 1971) 147

The Federal Rules of Civil Procedure: 1938-1958, Clark, 58 Colum. L. Rev. 435, 438 (1958) 152

The Federalist 236 (Cooke ed. 1961) 19

The Federalist Papers, Hamilton, No. 81 at 247 (Fairfield ed. 1961) 364

The Final Inequality, L. Ludovici, 109 (1965) 224

The First Amendment and the Judicial Process: A Reply to Mr. Frantz, Mendelson, 17 Vand. L. Rev. 479 (1964) 17

The First Amendment in the Balance, Frantz, 71 Yale L.J. 1424 (1962) 17

Fish and Wildlife of Yaquina Bay, Department of the Interior, Fish and Wildlife Serv. (1968) 102

The Forgotten Ninth Amendment 12, Patterson (1955) 10, 11, 12

Framing of the Constitution, Farrand, 154 (1913) 363

Fuel Resources and Availability for Civilian Nuclear Power 1964-2000, ABC Staff report by R. Faulkner and W. McVey to the 3rd Int'l Conf. on the Peaceful Uses of Atomic Energy, Geneva, Switzerland, Aug. & Sep. 1964 402

Genetic and Somatic Effects of High Energy Radiation, Pauling, 26 Science and Public Affairs: The Bulletin of the Atomic Scientists No. 7, 3-5 (1970) 61, 62, 387

Government is the Most Dangerous of Genetic Engineers, Lederberg, Washington Post, July 19, 1970 61

The Griswold Penumbra: Constitutional Charter for an Expanded Law of Privacy?, Dixon, 64 Mich. L. Rev. 197 (1965) 17

Groups Urge Advocacy Roles for Professionals, Chemical and Engineering News, May 1971 at 15 386

Improving the Administration of Justice, Parker, 27 A.B.A.J. 71 (1941) 146

Infanmy and Constitutional Civil Liberties, Franklin, 14 Lawyers Guild Rev. 1 (1954) 19

Interposition Interposed: II, Franklin, 21 Law In Trans. 77 (1961) 19

Is the First Amendment Law?—A Reply to Professor Mendelson, Frantz, 51 Calif. L. Rev. 729 (1963) 17

The Ivory Tower is Under Siege, Udall, Audubon, March 1971 at 118 199

James Madison, Vol. 3, Brant (1950) .. 8

Judicial Control of Administrative Action, Jaffe (1965) 313, 314, 326

Judicial Review and the Political Question: A Functional Analysis, Scharpf, 75 Yale L. J. 517 (1966) 39

Junk Car Disposal, National Industrial Pollution Control Council, Automotive Sub-Council (1970) 105, 106, 107, 112

Justice Black and First Amendment "Absolutes": A Public Interview, Black and Chan, 37 N.Y.U.L. Rev. 549 (1962) .. 17

Justices Black and Frankfurter: Conflict in the Court, Mendelson (1961) 17

Law in Action: The Trust Doctrine, Berlin, Roisman and Kessler, Law And Environment (1970) 3

The Law of Extraordinary Legal Remedies, Ferris (1926) 327, 329

Law Of Federal Courts, C. Wright, (2d ed. 1970) 359, 363, 365

Law of Torts, Prosser, (4th ed. 1964) .. 333

The Least Dangerous Branch, Bickel (1962) 17

Legal Control of the Environment, Practising Law Institute (1970) 97

Legal, Medical and Psychiatric Considerations in the Control of Prostitution, George, 60 Mich. L. Rev. 717 (1962) .. 220

Legislation and the Environment: Individual Right and Government Accountability, Ottinger, 55 Cornell L. Rev. 666 (1970) 1, 2

Letters and Other Writings of James Madison, Vol. 3 (1865) 4

Life of Ibsen (Koht transl. ed. 1971) 229

Low Dose Radiation and Cancer, Gofman & Tamplin, 17 The Institute of Electrical and Electronic Engineers, Inc. Translation on Nuclear Science 1 (1970) 58, 70

Low-Dose Radiation, Chromosomes, and Cancer, Report by John Gofman and A. R. Tamplin to the 1969 Nuclear Science Symposium of the Institute for Electrical and Electronic Engineers, San Francisco, Cal. Oct. 29, 1969 387

MAGNA CARTA, McKECHNIE (1914) 20

Magna Carta and Constitutionalism in the United States: "The Noble Lie", Kurland, THE GREAT CHARTER, 38 (1965) 6

Man-Made Earthquakes in Denver, Evans, GEOTIMES (1966) 392

MANAGING THE ENVIRONMENT: NINE STATES LOOK FOR NEW ANSWERS, HASKELL, 384 (1971) 324

Mandamus, Carson, OR. STATE BAR, 2 OR. CIVIL PLEADING AND PRACTICE TEXT, ch. 70 (1969) 321, 325

Medical Effects of Radiation, Gofman, MODERN NUCLEAR TECHNOLOGY (Mills, Bishl, Mainhardt ed. 1960) 62

Methodology and Criteria in Due Process Adjudication — A Survey and Criticism, 66 YALE L.J. 319, 347 (1957) 26

Model Rules of Practice and Procedure Under the Administrative Rules Act, Or. Atty Gen., appearing in 31 OR. STATE BAR BULL. (Sep. 1971) 339

Modernizing Federal Procedure, Cummings, 24 A.B.A.J. 625 (1938) 152

NATIONAL ESTUARINE INVENTORY HANDBOOK OF DESCRIPTIONS, DEPARTMENT OF THE INTERIOR, FEDERAL WATER POLLUTION CONTROL AUTHORITY (1968) 102

National Estuarine Pollution Study Hearings, Newport, Oregon, May 9, 1968 — 83

National Estuarine Pollution Study, S. Doc. No. 58, 91st Cong. 2d Sess. (1970) 102

A NATIONAL STUDY OF ROADSIDE LITTER, NATIONAL RESEARCH COUNCIL, HIGHWAY RESEARCH BOARD OF THE DIVISION OF ENGINEERING, (1961) 198, 199, 200, 205, 207

NATURAL RESOURCES AND THE POLITICAL STRUGGLE, N. WENGERT, 17 (1955) — 2

NATURAL RESOURCES COUNCIL REP. TO THE COMM. ON NATURAL RESOURCES, NATIONAL ACADEMY OF SCIENCE, ENERGY RESOURCES No. 1000-D (1962) 401

Natural Rights, MacDonald, HUMAN RIGHTS 50 (Melden ed. 1970) 32

Natural Rights and the Ninth Amendment, Van Loan, III, 48 BOSTON UNIV. L. REV. 1 (1968) 3, 5, 17, 18, 30

The Neglected Ninth Amendment: The "Other Rights" Retained by the People, Kutner, 51 MARQ. L. REV. 121 (1968) 22

A New Era of Power Supply Economics, Swengel, POWER ENGINEERING, Mar. 1970 at 30 380

The New Property, Reich, 73 YALE L. J. 733 (1964) 38

Nine Justices in Search of a Doctrine, Emerson, 64 MICH. L. REV. 219, 224 (1965) 25

The Ninth Amendment and Due Process of Law — Toward a Viable Theory of Unenumerated Rights, Bertelsman, 37 CINN. L. REV. 777 (1968) 23, 26, 30

The Ninth Amendment as Civil Law Method and Its Implication for Republican Form of Government: Griswold v. Connecticut; South Carolina v. Katzenbach, Franklin, 40 TUL. L. REV. 487 (1966) 19, 38

The Ninth Amendment of The Federal Constitution, Kelsey, 11 IND. L.J. 309 (1936) 5, 14, 21

Notations for a Modern Tragedy, Ibsen, as appears in LIFE OF IBSEN, (Kohl transl. ed. 1971) 218, 229

Nuclear Energy and the Malthusian Dilemma, Inglis, 27, SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS, No. 2 (1971) 65

Nuclear Energy and the Public Health, Gofman & Tamplin, VI NEVADA ENGINEER No. 5 (Oct. 1970) 59

Nuclear Energy: Benefits Versus Risks, Jordan, 23 PHYSICS TODAY No. 5, (May 1970) 63, 65, 66

The Nuclear Power Controversy, Lapp, NEW REPUBLIC, Jan. 23, 1971 ..... 395, 396

Nuclear Power Economics — 1962 Through 1967, JCAE PRINT, 90th Cong., 2d Sess. (1968) 379

Nuclear Reactor Safety, An Evaluation of New Evidence, Forbes, THE UNION OF CONCERNED SCIENTISTS, July, 1971 ..... 395, 397

Nuclear Power—the Social Conflict, Tsivoglov, 5, ENV. SCI. & TECH. 404 (1971) 388

OBSERVATIONS ON THE ECOLOGY OF THE ESTUARY OF NAKNEK RIVER, BRISTOL BAY, ALASKA, MALICK, SCHROEDER, AND MATHISEN (1971) 123, 126, 130, 131, 139, 140, 141

On the Meaning of the First Amendment: Absolutes in the Balance, Mendelson, 50 CALIF. L. REV. 821 (1962) 17

The One Trip Beer Bottle, BUSINESS WEEK, Sep. 23, 1939 197

THE ORDEAL OF THE CONSTITUTION, 34 RUTLAND (1966) 7

The Original and Exclusive Jurisdiction of the United States Supreme Court, Wagner, 2 ST. LOUIS U.L.J. 111, (1952) 365

The Original Jurisdiction of the United States Supreme Court, 11 STAN. L. REV. 665 (1959) 359, 365

The Original Purpose and Present Utility of the Ninth Amendment, Ritz, 25 WASH. & LEE L. REV. 1 (1968) 12, 16

OSPIRG Role Warrants Compromise, Lieuallen, THE OREGONIAN (Portland, Ore) Feb. 17, 1971, at 30, col. 1 160

OUR PRECARIOUS HABITAT, BENARDS, 21-25 (1970) 1

OVERALL ECONOMIC DEVELOPMENT PROGRAM BRISTOL BAY BOROUGH, VAN CAMPEN, 1971 119

PACIFIC NORTHWEST RIVER BASINS COMMISSION, POWER PLANNING COMMITTEE —REVIEW OF POWER PLANNING IN THE PNW—CALENDAR YEAR 1970, 50 (1971) 378

Penumbras, Peripheries, Emanations, Things Fundamental and Things Forgotten: The Griswold Case, Kauper, 64 MICH. L. REV. 235 (1965) 20

Persistent Pesticides in the Environment, Edwards and Adams, 1 CRITICAL REVIEWS IN ENVIRONMENTAL CONTROL 49-51 (1970) 75

PESTICIDES AND POLLUTION, BLOOM AND DEGLER, 4 (1969) 75

Piecemeal Adoption of the Federal Rules of Civil Procedure in Washington, Meisenholder, 26 F.R.D 123 (1961) 152

Planning to Meet Tomorrow's Nuclear Needs, Dieckamp, Paper presented to Atomic Int'l. Div. of North American Aviation, Inc., at Wenatchee, Wash., Mar. 29-31, 1967 403

Plutonium and Public Health, Geeseman, Paper presented at Univ. of Colo., Apr. 9, 1970 405

POISONED POWER: THE CASE AGAINST NUCLEAR POWER PLANTS, J. W. GOFMAN & A. TAMPLIN (1971) ..... 61, 64, ... 65, 66, 68, 69

POLITICAL ACTIVITIES OF COLLEGES AND UNIVERSITIES, SOME POLICY AND LEGAL IMPLICATIONS, BORKE, CRANE & WEBSTER, (1970) 176

"POPULATION CONTROL" THROUGH NUCLEAR POLLUTION, TAMPLIN & WEBSTER, 7 (1970) 58

The Preference for Freedom, McKay, 34 N.Y.U.L. REV. 1182 (1959) 40

Present Benefits and Future Risks, Commoner, 4 ENV. SCI. & TECH. 625 (1970) 386

Procedural Reform In The States, Wright, 24 F.R.D 83 (1960) 146

PROGRESS AND PROBLEMS FOR MANAGING HIGH-LEVEL RADIOACTIVE WASTES, COMPTROLLER-GENERAL OF THE UNITED STATES, Rep. B-164052 (1971) .... 390, ... 391, 393, 394

PUBLIC LAND LAW REVIEW COMM'N, ONE THIRD OF THE NATION'S LAND, 1-7, 97 (1970) 370, 372

Public Law—1960 Oregon Survey, Linde, 40 OR. L. REV. 249 (1961) 338

The Public Trust Doctrine in Natural Resources Law: Effective Judicial Intervention, SAX, 68 MICH. L. REV. 471 (1970) 3

The Public Trust Doctrine in Oregon, Speck, ADVISORY COMM. TO THE STAFF LAND BOARD (1969-1970) 324

The Quality of Man's Environment, Cragg, in MAN AND HIS ENVIRONMENT, 9-10 (Ward ed. 1970) 1

Radiation as an Environmental Hazard, Gofman, Gofman, Tamplin & Kovich, PROCEEDINGS OF THE 24TH ANNUAL SYMPOSIUM ON FUNDAMENTAL CANCER RESEARCH, ENVIRONMENT AND CANCER (in press) 58

Radiation Protection: Radiosensitivity and Spatial Distribution of Dose, ICRP PUBLICATION 14 (1969) 62

Radiation Protection: Recommendations of the International Commission on Radiological Protection, ICRP PUBLICATION 9, (1965) 62

Radiation: The Invisible Casualties, Gofman & Tamplin, 12 ENVIRONMENT No. 3, 12-19, 49 (April, 1970) 61

Rail Wrecks — Railroad Accidents Soar to Nearly 100 a Day, Fandell, THE WALL STREET JOURNAL, Jun. 26, 1969, at 1, col. 6 389

THE RECORDS OF THE FEDERAL CONVENTION, Vol. 2 (M. Farrand ed. 1911) 6

REGIONAL WASTE GUIDE ON LOGGING PRACTICES, U.S. DEPT. OF INT. FED. WATER POLLUTION CONTROL ACT, (1970) 102

The Regulation of Man-Made Radiation in the Biosphere, Tamplin, in NUCLEAR POWER AND THE REPUBLIC (H. Foreman ed. 1971) 60

The Relation of the Fifth, Ninth and Fourteenth Amendments to the Third Constitution. Franklin, 4 HOWARD L.J. 170 (1958) 19

REPORT OF THE COMM'N. ON THE CITIES IN THE '70s, THE STATE OF THE CITIES (1971) 368

REPORT OF THE MEETING OF THE STATE BOARD OF HIGHER EDUCATION COMMITTEE ON ACADEMIC AFFAIRS, (Adoption of OSPIRG by Oregon State Board of Higher Education) Feb. 15, 1971.... 161, 171

REPORT OF THE NATIONAL ACADEMY OF SCIENCE — NATIONAL RESEARCH COUNCIL, Washington, D.C., Nov. 1970 392

REPORT OF THE NAT'L. ADVISORY COMM'N. ON CIVIL DISORDERS (1968) 368

REPORT OF THE PRESIDENT'S COMM. ON URBAN HOUSING, A DECENT HOME (1968) 368

REPORT ON STATUS OF TECHNOLOGY IN THE U.S. FOR SOLIDIFICATION DEMONSTRATION, Schneider, BATTELLE MEMORIAL INSTITUTE, PACIFIC NORTHWEST LABORATORY, BNWL 1083 (1969) 391

Review and Evaluation of Project Fuel Cell, H. White, OFFICE OF COAL RESEARCH REP., (Westinghouse Project) No. PB 173765 (1968) 409

REVIEW OF POWER PLANNING IN THE PNW—CALENDAR YEAR 1970, PACIFIC NORTHWEST RIVER BASINS COMMISSION, POWER PLANNING COMMITTEE, 50 (1971) 378

THE RIGHTS OF MAN IN AMERICA 1606-1861, OSTRANDER (1960) 32, 33

The Right of Privacy: Emanations and Intimations, McKay, 64 MICH. L. REV. 259 (1965) 28

The Right to a Decent Environment; E=MC²: Environment Equals Man Times Courts Redoubling Their Efforts, Roberts, 55 CORNELL L. REV. 674 (1970) 23, 24, 35

The Right to a Decent Environment: Progress Along a Constitutional Avenue, ROBERTS, LAW AND THE ENVIRONMENT, 165 (1970) 17, 38

The Risk — Benefit Calculus in Nuclear Power Licensing, Green, SYMPOSIUM ON NUCLEAR POWER AND THE PUBLIC (1970) 69

The Role of the Judiciary in the Confrontation with the Problems of Environmental Quality, 17 U.C.L.A. L. REV. 1079-80 (1970) 22

THE ROLE OF PACKAGING IN SOLID WASTE MANAGEMENT, 1966-1976, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, BUREAU OF SOLID WASTE MANAGEMENT (1969) 200, 216

The Scarlet Letter, Hawthorne, in 6 THE WRITINGS OF NATHANIEL HAWTHORNE (1900) 227

The Second Treatise of Government, Locke, JOHN LOCKE, TWO TREATISES OF GOVERNMENT, 308 (Laslett ed. 1967)..... 32, 33

SELECTED MATERIALS ON ENVIRONMENTAL EFFECTS OF PRODUCING ELECTRIC POWER, JOINT COMM. ON ATOMIC ENERGY, 91st Cong., 1st Sess. 43 (Comm. print 1969) 390

SELECTED MATERIALS ON RADIATION PROTECTION CRITERIA AND STANDARDS: THEIR BASIS AND USE, JOINT COMM. ON ATOMIC ENERGY, 86th Cong., 2d Sess. 64 (Comm. print 1960).. 384, 385, 386

1787: THE GRAND CONVENTION, ROSSITER (1966) ..... 5, 6....

SEX AND THE LAW, M. PLOSCOWE, 242-263 (1951) 221, 222

SEXUAL BEHAVIOR AND THE LAW, S. KLING, (1969) 219, 224, 225

Shipping Containers for Irradiated Reactor Fuels, Lusk & Rollins, BATTELLE TECHNICAL REV., Aug., 1968 at 9 388

SILENT SPRING, R. CARSON, 168-171 (1962) 75

Some Thoughts of an Environmental Lawyer in the Wilderness of Administrative Law, Sive, 70 COLUM. L. REV. 612 (1970)..... 36

SOUL ON ICE, CLEAVER, (1968) 225

STAFF REPORT NO. 1 ON BACKGROUND MATERIAL FOR THE DEVELOPMENT OF RADIATION PROTECTION STANDARDS, FEDERAL RADIATION COUNCIL, pt. V, at 26-30 (1960) 60

THE STATE OF THE CITIES, REPORT OF THE COMMISSION ON THE CITIES IN THE '70s, (1971) 368

The Strategy of Ecosystem Development, Odom, in THE CRISIS OF SURVIVAL, 49-72 (1970) 1

THE SUPREME COURT IN THE AMERICAN SYSTEM OF GOVERNMENT, JACKSON (1955) 14

The Supreme Court Needs a New Philosophy, Bork, FORTUNE, (Dec., 1968) 17

A TEN YEAR HYDRO THERMAL POWER PROGRAM FOR THE PACIFIC NORTHWEST, BONNEVILLE POWER ADMINISTRATION REPORT (1969) 378

THEORETICAL POSSIBILITIES AND CONSEQUENCES OF MAJOR ACCIDENTS IN LARGE NUCLEAR POWER PLANTS, AEC, Wash-740 (1957) 64, 66, 399

THIS IS ALASKA, PETERSON, (1958) 116

Toward Neutral Principles of Constitutional Law, Wechsler, 73 HARV. L. REV. 1 (1959) 17

TWO TREATISES OF GOVERNMENT, LOCKE (Laslett ed. 1967) 5

The Uncertain Renaissance of the Ninth Amendment, 33 U. CHI. L. REV. 819 (1966) 8, 12, 14

Under the Ninth Amendment, What Rights are the "Others Retained by the People"?, Kirven, 14 S. DAK. L. REV. 80 (1969) 16

Under the Ninth Amendment What Rights are the "Others Retained by the People"?, Kent, 29 FED. B.J. 219, 234-35 (1970) 22

UNDERSTANDING THE NUCLEAR REACTOR, A. KRAMER, 52 (1970) 404

Unenumerated Rights, Rogge, 47 CAL. L. REV. 787, 804 (1959) 22

UNIVERSITY PHYSICS, SEAR & ZERMANSKY, 113-114, 262 (1949) 209

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Comment, *The Role of the Judiciary in the Confrontation with the Problems of Environmental Quality*, 17 U.C.L.A. L. Rev. 1070, 1075 (1970) 2

Comment, *The Uncertain Renaissance of the Ninth Amendment*, 33 U. Chi. L. Rev. 814 (1966) 5, 8, 11, 12, 14

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Bus. Week, *A Cooling Threat to Nuclear Power*, Jun. 5, 1971, at 46 397

Bus. Week, *The One Trip Beer Bottle*, Sep. 23, 1939, at 32 197

Chem. Eng'r., Jul. 12, 1971, at 29 397

6 Crim. Law Bull. 463 (1970) 223

Economic New Notes, Sep., 1970, Vol. 16 at 3 369

3 FPC News 16711 (1970) 408

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National Coal Ass'n., Coal News, Jan. 15, 1971 380

Nat'l. Forest Products Ass'n. News, Jul. 29, 1971, at 1 373

The National Geographic Magazine, Vol. 109 (1956) 118

Newsweek, Sep. 21, 1970, at 70 208

Newsweek, May 24, 1971, at 15 144

N.Y. Times, Aug. 14, 1969, §1, at 13, Col. 1 398

N.Y. Times, Dec. 20, 1970, at 67 (report of environmental suits in Mich.) 316

Oregon Blue Book, 1969-70, at 125 83

Oregon Journal, Mar. 11, 1971, at 1, Col. 1 209

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Oregon Statesman, Jan. 16, 1970, § 1 (Editorials) at 4 208

The Oregonian, Jun. 30, 1970, § 1 at 13, Col. 1 126

The Oregonian, Nov. 16, 1970, § 1 at 22, Col. 3 208

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The Oregonian, Apr. 8, 1971, § 1 at 1, Col. 5 142

The Oregonian, Jul. 31, 1971, at 18, Col. 2 397

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U.S. News & World Report, Dec. 28, 1970, at 39 35

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The Wall Street Journal, Jul. 23, 1971, at 26, Col. 2 380

The Wall Street Journal, Jul. 26, 1971, at 3, Col. 2 384

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Geesaman, D., PLUTONIUM AND PUBLIC HEALTH, Paper presented at University of Colo., Apr. 9, 1970 405

Gofman, John, and Tamplin, A. R. Report to the 1969 Nuclear Science Symposium of the Institute for Electrical and Electronic Engineers, San Francisco, Cal., *Low-Dose Radiation, Chromosomes, and Cancer*, Oct. 29, 1969 387

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Lilienthal, David E., Lecture at the Stafford Little Lectures, Princeton University, "Whatever Happened to the Peaceful Atom?", Feb. 19, 1968 381

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Thrower, Randolph, Letter to Logan Wilson, President of The American Council on Education, Jun. 17, 1970, in BORKE, CRANE & WEBSTER, POLITICAL ACTIVITIES OF COLLEGES AND UNIVERSITIES, SOME POLICY AND LEGAL IMPLICATIONS, 48-50 (1970) 176

Yonker, W. V., Director, National Cannons Association, Letter to James Agee, Regional Coordinator, Environmental Protection Agency, Mar. 29, 1971 ..... 119, 127, 131, 134, 135, 136, 138

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JCAE Print, *Selected Materials on Radiation Protection Criteria and Standards: Their Basis and Use*, 86th Cong., 2d Sess. (1960) 384, 386

JCAE Print, *Selected Materials on Environmental Effects of Producing Electric Power*, 91st Cong., 1st Sess. 43 (1969) 390

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